

# REGISTRY OF ELECTION FINANCE

The Registry of Election Finance met Wednesday, May 11, 2011, at Suite 104 of Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.

Presiding over the meeting was Chairperson Lee Anne Murray. Attending the meeting were board members Henry Fincher, Patricia Heim, Justin Pitt and Darlene McNeece.

## ***Approval of Meeting Minutes***

On motion by Heim, seconded by McNeece, the board voted unanimously to approve the minutes from the April 13, 2011 regular board meeting.

## ***Requests for Reconsideration***

***11-06 Kevin Klingberg***, for failure to file a 2010 pre-primary campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Klingberg has had a previous matter before the board. (see below)

The board voted at its January 12, 2011 meeting to issue Mr. Klingberg a show cause notice.

The board voted at its March 9, 2011 meeting to assess Mr. Klingberg a \$10,000 civil penalty. Mr. Klingberg requested a reconsideration of the \$10,000 civil penalty assessment.

Mr. Klingberg submitted a statement for the board's consideration.

Director Rawlins informed the board that the report still has not been filed.

On motion by Heim, seconded by McNeece, the board voted unanimously not to reconsider the \$10,000 civil penalty assessment.

***11-27 Charles Marshall***, for failure to file a 2010 3<sup>rd</sup> quarter campaign financial disclosure report with the Shelby County Election Commission. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Marshall has had no previous matters before the board.

The board voted at its March 9, 2011 meeting to issue Mr. Marshall a show cause notice.

The board voted at its April 13, 2011 meeting to assess Mr. Marshall a \$10,000 civil penalty and requested that Mr. Marshall be instructed on the requirement to continue to file campaign financial disclosure reports until his campaign account is closed. Mr. Marshall requested a reconsideration of the \$10,000 civil penalty assessment.

Mr. Marshall filed the required report and submitted a statement for the board's consideration.

On motion by Heim, seconded by Fincher, the board voted unanimously to reconsider the \$10,000 civil penalty assessment. On motion by Heim, seconded by Fincher, the board voted unanimously to take no action.

**11-24 Jack West**, for failure to file a 2010 4<sup>th</sup> campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. West has had no previous matters before the board.

The board voted at its March 9, 2011 meeting to issue Mr. West a show cause notice.

The board voted at its April 13, 2011 meeting to assess Mr. West a \$10,000 civil penalty. Mr. West requested a reconsideration of the \$10,000 civil penalty assessment.

Mr. West filed the required report and submitted a statement for the board's consideration.

On motion by Heim, seconded by Pitt, the board voted unanimously to reconsider the \$10,000 civil penalty assessment. On motion by Heim, seconded by Fincher, the board voted unanimously to take no action.

### ***Statements Submitted***

**11-03 William Steakley**, for failure to file a 2010 pre-general campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Steakley has had no previous matters before the board. (see below)

The board voted at its January 12, 2011 meeting to issue Mr. Steakley a show cause notice.

Director Rawlins informed the board that Mr. Steakley requested that the board defer any further action in this matter until the next regularly scheduled meeting to give him an opportunity to respond to the show cause notice.

The board voted at its March 9, 2011 meeting to defer any further action in this matter until the next regularly scheduled meeting to allow Mr. Steakley an opportunity to respond to the show cause notice.

The board voted at its April 13, 2011 meeting to defer any further action in this matter until the next regularly scheduled meeting to allow Mr. Steakley an opportunity to file the required report.

Mr. Steakley filed the report, submitted statements and personally appeared before the board to explain his failure to file the required report.

On motion by Fincher, seconded by Pitt, the board voted unanimously to take no further action in this matter.

**11-36 Becky Ruppe**, for failure to timely file a 2010 year-end supplemental campaign financial disclosure report. Class one (1), 13 days late, maximum three hundred twenty-five (\$325) civil penalty. Ms. Ruppe has had no previous matters before the board.

The board voted at its April 13, 2011 meeting to issue Ms. Ruppe a show cause notice.

Ms. Ruppe submitted a statement for the board's consideration.

On motion by Fincher, seconded by Heim, the board voted unanimously to take no further action in this matter.

**11-46 George Fraley**, for possible violations of the campaign financial disclosure law. Class two (2), maximum ten thousand (\$10,000) civil penalty. Mr. Fraley has had no previous matters before the board.

Director Rawlins provided the board with a sworn complaint filed with the Registry from Jamie Knight against George Fraley.

The board voted at its April 13, 2011 meeting to issue Mr. Fraley a show cause notice for possible violations of the campaign finance law.

Mr. Fraley and Betty Fraley provided statements for the board's consideration and personally appeared before the board to respond to the sworn complaint.

On motion by Fincher, seconded by Heim, the board voted unanimously to defer any further action in this matter until the next regularly scheduled meeting to allow Mr. Fraley an opportunity to provide further documentation for items in the complaint.

### ***Case Subject to Approval of Civil Penalty Order***

**11-39 Jannie Foster**, for failure to file a 2011 pre-primary campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Ms. Foster has had no previous matters before the board.

The board voted at its April 13, 2011 meeting to issue Ms. Foster a show cause notice.

Director Rawlins informed the board that there has been no response to the show cause notice and that the report still has not been filed.

On motion by Heim, seconded by McNeece, the board voted unanimously to assess Ms. Foster a \$10,000 civil penalty.

**11-40 Stephanie Gatewood**, for failure to timely file a 2011 pre-primary campaign financial disclosure report. Class one (1), 25 days late, maximum six hundred twenty-five (\$625) civil penalty. Ms. Gatewood has had no previous matters before the board.

The board voted at its April 13, 2011 meeting to issue Ms. Gatewood a show cause notice.

Director Rawlins informed the board that there has been no response to the show cause notice.

A motion was made by Pitt, seconded by Heim, to assess Ms. Gatewood a \$625 civil penalty. Pitt then withdrew the motion. A motion was made by Fincher, seconded by McNeece, to assess Ms. Gatewood a \$50 civil penalty. The motion to assess Ms. Gatewood a \$50 civil penalty passed the board unanimously.

**11-38 Jeffery Judd**, for failure to file a 2010 year-end supplemental campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Judd has had no previous matters before the board.

The board voted at its April 13, 2011 meeting to issue Mr. Judd a show cause notice.

Director Rawlins informed the board that there has been no response to the show cause notice and that the report still has not been filed.

On motion by Heim, seconded by McNeece, the board voted 4 to 0 to assess Mr. Judd a \$10,000 civil penalty, with Fincher recusing.

**11-22 Kevin Klingberg**, for failure to file a 2010 4<sup>th</sup> campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Klingberg has had a previous matter before the board. (see above)

The board voted at its March 9, 2011 meeting to issue Mr. Klingberg a show cause notice.

Director Rawlins informed the board that there has been no response to the show cause notice and that the report still has not been filed.

On motion by Fincher, seconded by Pitt, the board voted unanimously to assess Mr. Klingberg a \$10,000 civil penalty.

**11-28 Carlton Orange**, for failure to file a 2010 3<sup>rd</sup> quarter campaign financial disclosure report with the Shelby County Election Commission. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Orange has had no previous matters before the board.

The board voted at its March 9, 2011 meeting to issue Mr. Orange a show cause notice.

Director Rawlins informed the board that the report has been filed but that there has been no response to the show cause notice.

On motion by Heim, seconded by McNeece, the board voted unanimously to assess Mr. Orange a \$75 civil penalty.

**11-33 Mike Williams**, for failure to file a 2010 4<sup>th</sup> quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Williams has had no previous matters before the board.

The board voted at its April 13, 2011 meeting to issue Mr. Williams a show cause notice.

Mr. Williams filed the required report and submitted a statement for the board's consideration.

On motion by Heim, seconded by Fincher, the board voted unanimously to assess Mr. Williams a \$50 civil penalty.

### ***Cases Considered for Issuance of Show Cause Notice***

**Timothy Lee**, for failure to file a 2010 4<sup>th</sup> quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Lee has had previous matters before the board. (see below)

On motion by Pitt, seconded by McNeece, the board voted unanimously to issue a show cause notice.

**Artie Smith**, for failure to file a 2011 pre-general campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Smith has had no previous matters before the board.

On motion by Pitt, seconded by McNeece, the board voted unanimously to issue a show cause notice.

**Joe Towns, Jr.**, for failure to file a 2010 4<sup>th</sup> quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Rep. Towns has had previous matters before the board.

On motion by Pitt, seconded by McNeece, the board voted unanimously to issue a show cause notice.

**Dan Daugherty**, for failure to file a 2010 4<sup>th</sup> quarter campaign financial disclosure report with the Knox County Election Commission. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Daugherty has had no previous matters before the board.

On motion by Pitt, seconded by McNeece, the board voted unanimously to issue a show cause notice.

**Timothy Lee**, for failure to timely file a 2010 year-end supplemental campaign financial disclosure report with the Davidson County Election Commission. Class one (1), 11 days late, maximum two hundred seventy-five (\$275) civil penalty. Mr. Lee has had previous matters before the board. (see above)

On motion by Pitt, seconded by McNeece, the board voted unanimously to issue a show cause notice.

### ***Sworn Complaint***

Director Rawlins provided the board with a sworn complaint filed with the Registry from Eliot Mitchell, Sr. against The Spring Hill Professional Firefighters Association.

On motion by Fincher, seconded by Pitt, the board voted unanimously to take no action.

### ***Audit Review***

#### ***Michael McWherter***

On motion by Heim, seconded by Fincher, the board voted unanimously to approve Mr. McWherter's 2010 campaign finance audit with no findings.

### ***Other Business***

**11-31 William Steakley**, for failure to file a 2010 4<sup>th</sup> quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Steakley has had a previous matter before the board. (see above)

The board voted at its April 13, 2011 meeting to issue Mr. Steakley a show cause notice.

Mr. Steakley filed the report, submitted statements and personally appeared before the board to explain his failure to file the required report.

On motion by Fincher, seconded by Pitt, the board voted unanimously to take no further action in this matter.

**11-34 Tonya Miller**, for failure to file a 2010 4<sup>th</sup> quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Ms. Miller has had no previous matters before the board.

The board voted at its April 13, 2011 meeting to issue Ms. Miller a show cause notice.

Ms. Miller filed the report and personally appeared before the board to explain her failure to file the required report.

On motion by Fincher, seconded by Pitt, the board voted unanimously to take no further action in this matter.

Without objection, the board voted unanimously to schedule the next meeting for June 15, 2011 at 10:00 a.m.

On motion by Pitt, seconded by McNeece, the board voted unanimously to adjourn the meeting until the next regularly scheduled meeting.